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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,637	02/19/2004	Douglas Horn	HORD / 07	4111
26875 7590 08/06/2007 WOOD, HERRON & EVANS, LLP 2700 CAREW TOWER 441 VINE STREET CINCINNATI, OH 45202			EXAMINER LASHLEY, LAUREL L	
			ART UNIT 2132	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/782,637	Applicant(s) HORN, DOUGLAS	
	Examiner Laurel Lashley	Art Unit 2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.138(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1 – 26 are pending and have been examined.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 07/14/04 was filed before the mailing date of the first Action on the merits. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Objections

3. Claims 1 – 6 and 8 are objected to because of the following informalities:

Claims 1 and 4 recite "indicting" where it should read --indicating--.

Claim 8 recites "indicated" where it should read --indicate--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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4. Claims 1 – 13, 16 – 23, and 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Freyman et al. in US PGPub No. 20030083009 (hereinafter US PGPub '009).

5. For claim 1 and similar claim 4, US PGPub '009 discloses:

A lockout device for preventing a person from accessing electronic information comprising (Abstract: access device with internet lockout feature...):

a key for enabling and disabling Internet access (see Abstract; [0016], [0017]: switch...first state...active...second state...disable...);

a key operated switch configured to receive the key and selectively break traces providing Internet access (see Abstract; [0017]: disconnection...);

a display electrically coupled to the key operated switch and configured to indicating whether Internet access is enabled or disabled (see [0017]: front panel...activity indicator...).

For claim 2 and similar claim 5, US PGPub '009 discloses:

The lockout device of claim 1, wherein the display includes a light emitting diode (LED) (see [0005]; [0016]; Figure 2, indicator light 42).

For claim 3 and similar claim 6, US PGPub '009 discloses:

The lockout device of claim 1, wherein the lockout device is configured for mounting in a case of one of a computer, a cable modem, and an asymmetric digital subscriber line (ADSL) modem (see [0018]; [0021]; Figure 3: computer).

For claim 7 and similar claim 17, US PGPub '009 discloses:

A lockout system for preventing a person from accessing electronic information comprising (Abstract: access device with internet lockout feature...):

a computer including a case and a motherboard capable of accessing electronic information mounted in the case, the case also configured for mounting a locking device (see Figure 1: access device; Figure 3; [0018]: lockout feature connected to PC...);

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a locking device including a reading device configured to receive user input, the locking device mounted in the case, electrically coupled to the motherboard, and configured to enable and disable the access of electronic information in response to the user input (see [0016] – [0018]: user interface....)

For claim 8 and similar claim 18, US PGPub '009 discloses:

The lockout system of claim 7, wherein the locking device further includes a display configured to indicated whether the access of electronic information is enabled or disabled (see [0017]).

For claim 9 and similar claim 19, US PGPub '009 discloses:

The lockout system of claim 7, wherein the motherboard of the computer includes traces that carrying the electronic information (see [0015]: data port logic transfer layer routes data...).

For claim 10 and similar claim 20, US PGPub '009 discloses:

The lockout system of claim 7, wherein the locking device further includes a relay electrically coupled to the motherboard and configured to enable and disable the access of electronic information (see Figure 3; [0016]: user activated switch...).

For claim 11 and similar claim 21, US PGPub '009 discloses:

The lockout system of claim 7, wherein the reading device is a magnetic card reader (see [0015]: GUI or user interface...; [0018]: reads switch from user interface...).

For claim 12 and similar claim 22, US PGPub '009 discloses:

The lockout system of claim 7, wherein the reading device is a keypad (see [0018] – [0019]: GUI or other user interface...).

For claim 13 and similar claim 23, US PGPub '009 discloses:

The lockout system of claim 7, wherein the reading device is a touch screen (see [0018] – [0019]: GUI or other user interface...).

For claim 16 and similar claim 26, US PGPub '009 discloses:

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The lockout system of claim 7, wherein the motherboard includes a controller configured to provide access to electronic information, the locking device configured to provide a signal to the controller to enable and disable the access of electronic information (see Figure 1; [0016] – [0018]: access device inherently has motherboard...).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 14 – 15 and 24 – 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freyman et al. further in view of Kipust in US Patent No. 6002427.

7. For claim 14 and similar claim 24, US PGPub '009 discloses the lockout system of claim 7, and a reading device but does not expressly disclose the reading device includes an interactive telephone component configured to allow the user to enable and disable the access of electronic information remotely.

Kipust however does disclose the reading device includes an interactive telephone component configured to allow the user to enable and disable the access of electronic information remotely (see Figure 1; column 12, lines 59- 65).

Freyman et al. and Kipust are analogous art since they are from similar problem solving areas (preventing unauthorized use or access of information on an electronic device). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the lockout system of Freyman et al. such that it would incorporate a remote interactive telephone activation as in Kipust. The motivation for doing so would have been to provide a flexible security mechanism that can be activated or deactivated without limitation.

For claim 15 and similar claim 25, US PGPub '009 discloses the lockout system of claim 7, and a reading device but does not expressly disclose the reading device includes a web-based device configured to allow the user to enable and disable the access of electronic information remotely.

Kipust however does disclose the reading device includes a web-based device configured to allow the user to enable and disable the access of electronic information remotely (see Figure 1; column 12, lines 59- 65).

Freyman et al. and Kipust are analogous art since they are from similar problem solving areas (preventing unauthorized use or access of information on an electronic device). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the lockout system of Freyman et al. such that it would incorporate a remote web-based activation as in Kipust. The motivation for doing so would have been to provide a flexible security mechanism that can be activated or deactivated without limitation.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Cassista et al. in US Patent Application Publication No. 2002/0007459 disclose a method and apparatus for intentional blockage of connectivity. Roberts, Jr. in US Patent No. 6671357 discloses an apparatus and method for interrupting data transmission. English et al. in US Patent Application Publication No. 20010027526 discloses a data flow control unit. Browne in US Patent No. 6276533 discloses a secure computer system and method of providing secure access to a computer system including a stand alone switch operable to inhibit data corruption on a storage device.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laurel Lashley whose telephone number is 571-272-0693. The examiner can normally be reached on Monday - Thursday, alt Fridays btw 7:30 am & 5 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron, Jr. can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Laurel Lashley
Examiner
Art Unit 2132

31 July 2007

ELL


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